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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DAVENPORT, MON CHERI S

ART UNIT

PAPER NUMBER

2416

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation sheet

Claim Objections

Previous objection withdrawn in view of Applicant's amendment filed 3/27/2009.

Continuation of 11.

Request for consideration does not place the application in condition for allowance because:

Applicant's arguments are not persuasive.

In the remarks on pg. 8-11, the applicant contends that Ma et al. does not teach or suggest "the provisioned virtual connections in a virtual group path are specific to the user, and that the user requests a data stream after the provisioning of a plurality of virtual connections specific to the user"

Examiner respectfully disagree Ma et al. teaches a user can request or borrow from an already provisioned virtual connection, the leased capacity is to other customers on an ATM backbone, customers already have capacity, and are requesting more when they(specifically) need it.

In the remarks on pg. 10, the applicant contends that Ma et al. does not teach or suggest "Ma does not teach that after the user has requested said data stream from said content provider, and if the user lacks support for negotiating or acknowledging the bandwidth through said access network with said quality of service, the method includes identifying a virtual connection out of said plurality of provisioned virtual connections provisioned to the user capable of guaranteeing said quality of service between said user and said access server"

Art Unit: 2416

Examiner respectfully disagree Ma et al. teaches when a user lacks support the required bandwidth, and the user is already provisioned bandwidth and needs more capacity. The user will borrow extra capacity from users that are not using their provisioned bandwidth. This is not a new connection as argued, as the bandwidth capacity is adjusted to accommodate the required bandwidth request.

/Mon Cheri S Davenport/

Examiner, Art Unit 2416

April 28, 2009

/Seema S. Rao/

Supervisory Patent Examiner, Art Unit 2416